

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 873 of 1995

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

COLLECTOR,HIMMATNAGAR,S.K.

Versus

AMBIKA TRANSPORT CO.,SOLE PROPRIETOR,RATILAL G SHAH

Appearance:

Mr. L.R. Pujari, AGP for appellant

Mr. V.C. Desai, advocate for Respondent

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 18/03/96

ORAL JUDGEMENT

1. Heard learned counsel for the respective parties.

Mr.V.C. Desai, learned counsel for the respondent places on record a letter addressed to him by his client (respondent) dated 13th March 1996, according his consent to the transfer of the suit to the Tribunal constituted under the Gujarat Public Works Contracts Disputes Arbitration Tribunal Act, 1992. This letter is taken on record.

2. Learned counsel for the respective parties agree that by virtue of section 13 read with section 21 of the said Act, the Civil Court does not have jurisdiction over the subject matter of the suit and the said Tribunal has exclusive jurisdiction, and therefore the suit may accordingly be transferred to the said Tribunal.

3. Accordingly the decree of the trial court is quashed and set aside. The suit shall stand transferred to the aforesaid Tribunal as stated hereinabove. In view of the fact that this appeal involves a pure question of law affecting the jurisdiction of the trial court to hear and decide the suit, the question of limitation in transfer of this suit and/or entertaining the dispute by the Tribunal would not arise.

4. The Tribunal shall accord due priority to the present dispute and decide the same as expeditiously as possible bearing in mind that the suit is of the year 1990.

5. Accordingly this appeal is allowed with no orders as to costs.
